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September 21, 2011

Via ECF and First Class Mail

Hon. Magistrate Joseph A. Dickson
Magistrate, U.S. District Court
U.S.D.C. for the District of New Jersey
Martin Luther King Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: Dahi v. Refrigerated Holdings, Inc., et al.
Case No.: 10-CV-6297-SDW-MCA

Dear Magistrate Dickson:

At the direction of your law clerk, Ms. O'Reilly, I write to request the scheduling of the motion to dismiss filed on behalf of the RHI Defendants in this matter that has now been pending since April 2011. Without going into too much detail of the tortured history of this matter, a brief overview may be of some assistance.

On April 18, 2011, the RHI Defendants file a motion to dismiss the pro se plaintiffs' claims. The motion was originally returnable on May 18, 2011. A mere days before the return date the plaintiffs filed a letter requesting an extension to file an opposition. The RHI Defendants did not object and the motion was re-scheduled for June 20. Again, a few days before the return date the plaintiffs filed a letter requesting yet another after-the-fact extension to file an opposition. Again, the RHI Defendants did not object and the motion was re-scheduled for July 18. Around this time, a collection of other defendants (the "COBRASource Defendants") filed their own motion to dismiss.

An in-person conference was scheduled by Magistrate Judge Dickson for August 8. A few days before the conference, the plaintiffs filed their "objection" to the conference and indicated they would not be able to attend in person, citing, among other reasons, their inability to travel to Newark. As a result the conference was changed to a telephone conference. The conference was held but the plaintiffs failed to participate despite their awareness of the conference and the call-in number that was provided. At the close of the conference, Your Honor indicated another in-person conference would be scheduled for September 2011.

In following up with Ms. O'Reilly as to when that conference might be scheduled, I learned that Your Honor decided to postpone any conference until Judge Cecchi decided the pending

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motions. However, at present, the COBRAsource motion, which was returnable September 19, 2011, is the only motion on the court calendar. Thus, I write to request the Court return the RHI Defendants' motion to the motion calendar so that it too can be adjudicated along with the COBRAsource motion.

Respectfully submitted,

By: /s/ Bruce D. Vargo
BRUCE D. VARGO

BDV:cma

cc: Hon. Claire C. Cecchi (via first class mail)
Mr. Hoss Dahi (via ECF, email and first class mail)
Ms. Elaine Dahi (via ECF, email and first class mail)
Marion B. Johnson, Esq. (via ECF)